

CRIMINAL DIVISION

The Flagstaff Office makes initial charging decisions on all federal criminal offenses arising north of Yavapai County and up to and including the Grand Canyon National Park. Thereafter, the charged case is assigned to an AUSA in the Phoenix Office. In Phoenix, the Criminal Division has four sections: Violent Crime and Anti-Terrorism, White Collar Crime, Organized Crime Drug Enforcement Task Force and Asset Forfeiture and Immigration, Firearms and Identity Theft. A separate Courthouse Unit was established to handle preliminary matters in U.S. Magistrate Court and probation violations. In Tucson, the Criminal Division has two sections: Organized Crime Drug Enforcement Task Force (drug crimes) and Violent Crimes and the Border Crimes Section.

The cases listed here represent cases investigated by federal and tribal law enforcement and prosecuted by individual AUSAs. The sentencing structure is governed by the federal sentencing guidelines established by the U.S. Sentencing Commission, an independent agency of the judicial branch responsible for establishing sentencing policies for the federal judiciary nationwide. The sentence imposed stems from an “offense level” assigned to the particular crime committed and the defendant’s prior criminal history along with specific offense characteristics of the crime committed.

MURDER

UNITED STATES v. JOHNNY ORSINGER

Multiple Life Terms

Charge: First Degree Murder; Car Jacking; First Degree Felony Murder, Robbery, Kidnaping (2 Counts)

The defendant was part of a group that decided to commit a robbery on the Navajo Indian Reservation resulting in the death of a 65 year-old female and her 9 year-old granddaughter. *See 2003 LECC Indian Country Report, United States v. Lezmond Mitchell, p.15.* On or about October 26, 2001 the defendant and Mitchell left from Round Rock, Arizona for Gallup, New Mexico to steal a truck to use in the robbery. On October 28, 2001, the 65 year old victim and her granddaughter, left Fort Defiance, Arizona to meet with a couple of medicine ladies in New Mexico. On October 28, 2001 the defendant and Mitchell caught a ride from the female who had been in New Mexico that day and was returning home in Arizona. At some point near Wheatfield Lake, Arizona, she pulled over to let the two out. The defendant, who was seated behind the older victim, took a knife that he and Mitchell had purchased in Gallup, New Mexico and stabbed her repeatedly in order to take her truck for the planned robbery. He and Mitchell inflicted a total of 33 knife wounds to her body. They then pulled her over the seat and put her on the rear seat of the pickup. They put

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the child victim in the rear seat with her grandmother and drove the truck into the Lukachukai Mountains on the Navajo Indian Reservation. Once there, Mitchell and Orsinger brutally killed the child victim. They left the victims' bodies and drove the truck and parked it near a canyon behind Mitchell's grandfather's home south of Round Rock, Arizona. The victim's truck was eventually was used in the robbery of a Trading Post. At some point the defendant and Mitchell also buried the victims and burned the victims' clothing and personal papers. On September 16, 2003, Orsinger plead guilty to seven charges including First Degree Murder, Car Jacking, First Degree Felony Murder (Robbery), Robbery, First Degree Felony Murder (Kidnaping) and Kidnaping. On December 8, 2003, Orsinger was sentenced to five concurrent life sentences. He was also sentenced to one life term to be served consecutive to the five concurrent life terms. The defendant also received a term of 180 months (on the Robbery count) to be served concurrently and ordered to pay \$22,987.69 in restitution. Orsinger's sentences were ordered to run consecutively to the sentenced imposed on him for his role in *United States v. Gregory Nakai, et al.* See 2003 *Indian Country Report*, p. 16. On September 15, 2003 Orsinger was sentenced to four consecutive life sentences for his role in the August 18, 2001 car jacking, double murders of two male victims. Mitchell was sentenced to death on September 15, 2003 based on a binding recommendation of the trial jury for the murders of the grandmother and her nine-year old granddaughter. (Orsinger was not eligible for the death sentence because he was not 18 years of age at the time of the offenses). The investigation in both cases was conducted by the Navajo Tribal Police Department, Criminal Investigators with the Navajo Department of Law Enforcement, the Federal Bureau of Investigation, the New Mexico Office of the Medical Investigator and the Arizona Department of Public Safety.

UNITED STATES v. IRVIN CEPI

UNITED STATES v. HARRIS JAMES, HOSKIE JAMES

Charges: First Degree Murder; Felony Murder, Kidnapping,
Aggravated Sexual Abuse, Sexual Abuse Resulting in Death,
Conspiracy to Commit Murder

Life Imprisonment

Pending Sentencing

Irvin Cepi was convicted by a jury of: First Degree Murder, Felony Murder in the Course of Kidnaping, Kidnaping, Felony Murder in the Course of Aggravated Sexual Abuse, Aggravated Sexual Abuse, Sexual Abuse Resulting in Death, and Conspiracy to Commit First Degree Murder. The evidence at trial showed that on May 18, 2002, Irvin Cepi and three other men picked up the female victim while she was hitchhiking towards her home in Steamboat, Arizona. After the victim was picked up, she was driven to a remote location where she was restrained and forcibly raped by Irvin Cepi and each of the three other assailants. Following the rape, the victim was forced back into the car and driven a few miles away, to yet another remote location in the woods northeast of Jeddito. As they drove to the second location, Cepi and the others plotted to kill the victim to prevent her from

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reporting them for the rape. Cepi killed the victim by smashing a large rock upon the right side of her head while she pleaded with him for her life. After striking the victim, an accomplice threw another rock at the victim, also striking her in the head. After she had been killed, Cepi concealed her body under some rocks in a nearby wash. The victim's partial remains, scattered and scavenged by predators, were not discovered until August 26, 2002. In the intervening months, her family had extensively posted "missing person" flyers in the area and a criminal investigation had commenced at the direction of the FBI and the Navajo Nation Department of Law Enforcement.

The case came to the attention of law enforcement in mid-August 2002 when someone called to report rumors about suspects being involved in the murder of the missing victim. Investigators traced the rumors back to the defendants. One of the defendants led investigators back to the approximate area where the victim was killed. On August 20, 2002, the criminal investigators discovered a single pelvic bone that appeared to be human. After confirming it was human, the investigators went back to the area and found the scattered remains of the victim which included hair, scattered bones, bone fragments and remnants from her earrings. Even with the few skeletal remains that were submitted, a Medical Examiner was able to make a cause of death finding-blunt force trauma to the head. It was only through DNA analysis of her bones and comparison to family members that the criminal investigators were able to identify her remains.

Two of Cepi's accomplices pleaded guilty to lesser charges prior to trial. Defendants Harris James and his father, Hoskie James, have not yet been sentenced. The charges involving the fourth accomplice are pending, as he was a juvenile at the time of the commission of the rape and murder. The investigation leading to the guilty verdict was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

UNITED STATES v. JAYSON NEZ

Charge: First Degree Murder(2 counts); Felony Murder (2 Counts);
Robbery; Discharge of a Firearm

Life

UNITED STATES v. WILLIE LEE LEWIS

Charge: Second Degree Murder (2 Counts); Discharge of a Firearm

42 Years

On or about January 23, 2003, Jayson Nez and Willie Lee Lewis went to the home of the victims to rob them. When they arrived at the house, they found one victim working on his car in front of the house. They beat him to death with rocks they placed in socks. Then Lewis went into the house and waited for the other victim to return. Nez hid behind the back door of the house and Lewis crouched by a stove with a shotgun pointed at the back door. When the victim opened the back door to his house, he was shot in the face by Lewis.

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Seeing that he was still breathing, Nez grabbed a knife and stabbed the victim three times in the neck. Nez and Lewis then proceeded to clean up the blood and steal a truck, two guns, and other items. They bodies buried the two bodies in a nearby wash. They then traveled in one of the victim's truck to Phoenix. The bodies were discovered on March 8, 2003. On October 3, 2003, Lewis pleaded guilty to two counts of second degree murder and one count of discharge of a firearm during a crime of violence. Lewis received a sentence of 42 years imprisonment followed by five years on supervised release. On October 10, 2003, Nez was convicted by a federal jury of two counts of First Degree Murder, two counts of Felony Murder, one count of Robbery and one count of Discharge of a Firearm in a Crime of Violence. On January 6, 2004, he was sentenced to life imprisonment and an additional 120 months to be served consecutively. At sentencing, the court remarked on the brutality of the crime and the fact that the defendant had hidden all evidence, including the bodies, causing the victims' family needless worry until the bodies were found six weeks later. The court further stated that, although Nez did not have a violent criminal history, the facts of these murders warranted the mandatory sentence of life imprisonment. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Department of Public Safety, Criminal Investigations Division.

UNITED STATES v. DAVID ROCK

121 Months

Charge: Second Degree Murder

David Rock, 33, was sentenced to 121 months in prison, \$1,000.00 fine, and five years supervised release, the maximum guideline sentence, for the Second Degree Murder of his wife. Rock, a resident of Kayenta on the Navajo Indian Reservation, had originally told law enforcement that he had accidentally shot his wife in a botched suicide attempt. In his change of plea proceeding, Rock admitted to intentionally shooting his wife the day after she had obtained divorce paperwork and expressed her desire for a divorce. In imposing the maximum sentence, the judge commented on the tragedy to the Rocks' four young surviving children.

UNITED STATES v. ELVIN ATTAKAI

97 Months

Charge: Second Degree Murder

On January 7, 2004, defendant plead guilty to second degree murder. He was sentenced to 97 months on April 26, 2004. On September 22, 2002, the defendant was with the victim and some others riding horses and rounding up cattle. Everyone had been drinking heavily all day. Eventually, defendant and victim engaged in an argument which became physical. At the time the argument became physical, witnesses ran away. When they returned they found defendant passed out next to the victim who had been stabbed numerous times. Defendant fled and was apprehended by authorities days later. The

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investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

UNITED STATES v. RANDALL NARCIA

Pending

Charge: Second Degree Murder

This 18-year-old defendant was with his cousin and others drinking alcohol. His female cousin became involved in an argument with the victim, an adult male, and the cousin began physically assaulting the victim with her fists. The defendant then became involved and stabbed the victim several times in the back. The victim tried to run away, but the cousin ran after him and stabbed him in the back several other times. The victim died as a result of multiple stab wounds, having suffered approximately 53 stab wounds. On March 22, 2004, the defendant pled guilty to Second Degree Murder and is pending sentencing. The investigation was handled by the Federal Bureau of Investigation and the Gila River Indian Community Police Department

UNITED STATES v. JACOB MIERA

180 Months

Charge: Second Degree Murder

Miera was charged with Second Degree Murder in the beating death of his infant daughter. On December 5, 2003, he admitted to killing his daughter at his home in Kayenta on April 29, 2003, by causing blunt force trauma to her body. The two week-old infant's injuries included more than twelve separate rib fractures, a spiral fracture of her left arm, a fracture of her right clavicle, internal injuries to her lungs and kidney, contusions and abrasions of her scalp and face, and severe bruising of her torso, including bruising indicative of fingertip marks. Originally, the defendant told law enforcement that he had tripped on a chair and accidentally fallen upon the child. On March 22, 2004, Jacob Miera, was sentenced to 180 months imprisonment, five years supervised release, and \$206.00 in restitution. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement Services.

UNITED STATES v. ACE PASQUAL MOLINA

18 Years

Charge: Second Degree Murder

On January 1, 2002, the defendant was attending a New Years' Eve party near Anegam Village on the Tohono O'odham Indian Reservation. Witnesses observed the defendant approach the victim with a handgun. The defendant was seen arguing with the victim and later hitting him over the head with a hand gun. Later in the evening, the defendant took out the weapon and shot the victim in the chest. The bullet penetrated the lung and heart of the victim, causing his death. On April 17, 2002, a federal grand jury

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charged the defendant for shooting and killing the victim. On March 24, 2003, the defendant pled guilty to second degree murder. On March 22, 2004, the defendant was sentenced to 18 years in federal custody to be followed by five years of supervised release. The defendant was also ordered to pay \$1454.00 restitution to the victim's family. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v. LARRY WILSON

130 Months

Charge: Second Degree Murder

The defendant was extremely intoxicated while operating a motor vehicle. He hit another vehicle killing its two occupants. On March 20, 2003, the defendant pled guilty to second degree murder. On August 27, 2003, he was sentenced to a term of 130 months in federal custody. The investigation was conducted by the Navajo Department of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. RONALD CORELLA

121 Months

Charge: Second Degree Murder

In the late evening hours of September 13, 2002, and the early morning hours of September 14, 2002, Ronald Corella attended a party located at 7520 Camino Huivisim on the Pascua Yaqui Indian Reservation. At some point during the evening, he became involved in a verbal confrontation with the victim, Ophelia Coronado. Corella became very angry with the victim and attacked her, beating her with his fists and feet. The victim later died as a result of the injuries inflicted to the victim's head. The defendant was indicted by a federal grand jury for second degree murder on October 23, 2002. On May 16, 2003, the defendant pled guilty to the indictment. On September 19, 2003, the defendant was sentenced to 121 months in prison, to be followed by a term of five years supervised release. He was also ordered to pay \$1750.00 in restitution to the victim's family and the Pasqua Yaqui Tribe. The investigation in this case was handled by the Federal Bureau of Investigation and the Pascua Yaqui Police Department.

UNITED STATES v. REGGIE ANTONE

108 Months

Charge: Attempted Murder

On December 8, 2000, the defendant stabbed the victim, Anna Reino, in the chest. The defendant, who had recently severed a relationship with the victim, saw Reino walking with rival gang members in Sells, Arizona. The defendant became angry, and stabbed the victim. The victim lost a great deal of blood and almost died. As a result of the attack, she lapsed into a coma, and suffered brain damage as well as damage to her kidneys. The

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defendant was indicted by a federal grand jury for assault and attempted murder on November 21, 2001. The defendant plead guilty to attempted murder and was sentenced to 108 months imprisonment, to be followed by three years supervised release by the District Court on November 21, 2003. He was also ordered to pay \$177,267.49 in restitution to the victim. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v. JUVENILE FEMALE

36 Months

Charge: Murder

On October 20, 2002, the defendant, a 13 year old juvenile female, went to the Tohono O'odham District Office in the village of Gu Vo on the Tohono O'odham Nation with a 15 year old juvenile male. It was the intent of the defendant and the other juvenile to steal a vehicle from the District Office. When the defendant entered the District Office, the juvenile male shot and killed Leonard Lewis, a security guard. The defendant and the juvenile male then took the keys to a Ford Excursion and stole the vehicle. On March 3, 2003, the government filed an Information alleging that the defendant committed an act of juvenile delinquency (felony murder). The defendant plead guilty to the Information (without a plea agreement) on December 4, 2003. On May 21, 2004, the defendant was sentenced to 36 months in prison and ordered to pay \$500.00 in restitution to the victim's family. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v WENDELL NASH

Life

Charge: First Degree Murder

UNITED STATES v. TERRY ACTON

235 Months

Charge: Second Degree Murder

On February 11, 2004, Wendell Nash and Terry Acton were found guilty by a federal jury of the murder of a female victim on December 15, 2002, at San Carlos Lake. Nash was convicted of first degree murder and Acton was convicted of second degree murder. The evidence at trial showed on December 15, 2002, a group of people, including the two defendants and the victim, were at San Carlos lake drinking. At some point, the group moved to a remote location at the lake where the victim was attacked by Nash, Acton and a third person. A medical examiner testified that the victim suffered 24 stab wounds, including several penetrating wounds to her chest cavity, causing her lungs to collapse. Witnesses at trial testified that Nash blamed the victim for the death of his friend who had been murdered sometime earlier in the Phoenix area. There was no indication why he believed this or that the victim was in any way involved in the murder. On May 10, 2004 Nash was sentenced to life imprisonment followed by five years on supervised release and

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defendant Acton was sentenced to 235 months imprisonment followed by five years on supervised release. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. BILLY BEGAY

108 Months

Charge: Second Degree Murder

The defendant was observed stabbing his wife as she was attempting to hitchhike on highway 160 near Kayenta. On March 24, 2003 he plead guilty to second degree murder. He was sentenced to 108 months in federal custody on September 22, 2003. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Department of Law Enforcement.

UNITED STATES v. CLARENCE MOLINA

Pending

Charge: Second Degree Murder and Attempted Murder

On July 5, 2001, the defendant was at the home of the victim in Santa Rosa Village on the Tohono O'odham Indian Reservation. The defendant became heavily intoxicated, and was asked to leave the home, but refused. The defendant was then physically removed from the residence. A short time later, the defendant returned with a knife and stabbed the victim. The victim's brother became aware of the assault and came to his aid. The defendant then became involved in a fight with the brother, who was trying to make the defendant leave the area. During the fight, the defendant stabbed the initial victim's brother in the shoulder/chest area. As a result of the injury, he bled to death at the scene. A federal grand jury indicted the defendant for murder, and assault. On May 22, 2003, the defendant pled guilty to second degree murder and Attempted Murder. He faces a range of imprisonment of between 120 to 320 months, and is scheduled for sentencing on July 26, 2004. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v. FRANCISCO JUAREZ-SANDOVAL

Pending

Charge: Second Degree Murder and 924(c)

This defendant and his co-defendant chased after and shot at a vehicle which contained two passengers. The defendants were upset with the driver of the vehicle due to a previous altercation. Bullets from the defendant's gun struck and killed the female passenger of the vehicle. On April 8, 2004, the defendant pled guilty to second degree murder and a 924(c) charge, Use of a Firearm in a Crime of Violence and is pending sentencing. This investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

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UNITED STATES v. GABRIEL JASPER

108 Months

Charge: Second Degree Murder

The defendant was walking on a trail near the old airport in Tuba City when he and his friends encountered a relative. An argument ensued and the defendant pulled out a knife and repeatedly stabbed the victim. The defendant entered a guilty plea on August 27, 2003. On December 22, 2003 he was sentenced to 108 months in federal custody. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Department of Law Enforcement.

UNITED STATES v. ROBERT CHAAT

87 Months

Charge: Second Degree Murder

The defendant. He shot an acquaintance with a shot gun after an argument on the Hopi side in the Big Mountain area. Both the victim and defendant's families were active in the Navajo resistance movement. The victim died as a result of his injuries. On December 2, 2003, the defendant entered a guilty plea to second degree murder. On March 15, 2004, he was sentenced to a term of 87 months in federal custody. The investigation was conducted by the Federal Bureau of Investigation and the Bureau of Indian Affairs Office of Law Enforcement.

MANSLAUGHTER

UNITED STATES v. WYNONA ORTIZ

27 Months

Charge: Manslaughter

On July 28, 2002, the defendant became involved in an argument with the victim at a home located in the village of Little Tucson on the Tohono O'odham Indian Reservation. The defendant and the victim were both highly intoxicated. The victim handed the defendant a knife and told her to kill herself. The defendant knocked the knife out of his hand. As the argument escalated, the victim pushed the defendant to the ground and got on top of the defendant. The defendant picked up the knife and stabbed the victim once in the shoulder. The knife penetrated victim's lung and he bled to death at the scene. The defendant was indicted for manslaughter on November 20, 2002. The defendant entered a guilty plea to involuntary manslaughter on March 22, 2004. On June 3, 2004, the defendant was sentenced to 27 months imprisonment to be followed by 36 months supervised release. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

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UNITED STATES v. TYRONE LEE

Pending

Charge: Voluntary Manslaughter

On March 18, 2004, the defendant pled guilty to voluntary manslaughter, a Class C felony. On July 14, 2003, the defendant was drinking with his friends. He eventually returned to his house located in Sweetwater, Arizona. The defendant's friends also went to the defendant's house to see if he had more alcohol. While at the house, the defendant claims a fight erupted and one of the friends punched him in the jaw nearly knocking him out. The defendant disengaged himself from the fight and went back into the house to use the bathroom. While in the house, the defendant saw a knife and put it in his back pocket. He then went back outside the house. Another fight began and the friend grabbed the defendant's hair. The defendant then pulled the knife out of his pocket and began to stab his friend. An autopsy of the victim revealed he suffered from thirteen stab wounds and ten lacerations. Sentencing is set for July 12, 2004. The defendant will be sentenced to somewhere between 41-105 months imprisonment depending on his criminal history. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

UNITED STATES v. CHRISTOPHER "Puma" ADE

Pending

Charge: Voluntary Manslaughter

On July 24, 2000, the defendant, while on the Gila River Indian Reservation, was drinking with the victim and some others in a remote location on the Gila River Indian Reservation. An argument broke out between defendant and victim eventually leading to a physical altercation. During the fight, the defendant stabbed the victim several times causing his death. The body of the victim was dragged across a small wash and left in the remote area. On April 27, 2004, the defendant pled guilty to voluntary manslaughter, a Class C felony, with an agreed upon sentence of 109 months. He will be sentenced on July 26, 2004. The investigation in this case was conducted by the Federal Bureau of Investigation and the Gila River Indian Community Police Department.

UNITED STATES v. DANIEL DELAHANTY

8 Years

Charge: Involuntary Manslaughter/ Felon in Possession

On the evening of January 26, 2003, the defendant, who had been drinking heavily, accidentally discharged a rifle, killing the victim. Without considering the consequences of his actions, the defendant pulled the trigger of the rifle. The bullet from the rifle went through a bedroom door in the defendant's house, and hit the victim. The defendant was indicted for involuntary manslaughter and felon in possession of a firearm. The defendant plead guilty to the Indictment pursuant to a plea agreement on August 15, 2003. On June 21, 2004, the defendant was sentenced to 96 months in prison, to be followed by three years

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supervised release. He was also ordered to pay \$1,934.00 in restitution to the victim's family. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v. ROCKY HERDER

36 Months

Charge: Involuntary Manslaughter (2 Counts)

On February 16, 2002, in the late evening hours, Rocky Herder was driving a 1992 Jeep westbound on Indian School Road on the Salt River Community at an estimated speed of 57 mph in a posted 40 mph zone, when he failed to stop for a clearly posted stop sign at the intersection of North Longmore Road and collided with the right-of-way vehicle, a 1998 Kia sedan. The collision caused the death of two of the Kia's passengers, who were two 14 year old female tribal members, and seriously injured a third passenger. The investigation revealed Herder had consumed alcohol at a Scottsdale tavern shortly before the collision. Herder waived juvenile status and entered a guilty plea as an adult to two counts of involuntary manslaughter. He was sentenced to 36 months imprisonment. Upon his release from custody, he will be placed on three years of supervised release. The investigation was conducted by the Salt River Pima-Maricopa Indian Community Police Department.

UNITED STATES v. MARY THOMAS

46 Months

Charge: Involuntary Manslaughter

This defendant was driving while intoxicated and caused her vehicle to roll over. Several passengers were in the car and were injured. One passenger died. On June 21, 2004, the defendant entered a guilty plea to involuntary manslaughter and is currently pending sentencing. The investigation was handled by the Gila River Indian Community Police Department.

UNITED STATES v. HANK JULIO VELASCO

36 Months

Charge: Involuntary Manslaughter

On August 25, 2002, in an intoxicated state, the defendant pointed a gun at the victim, a relative. The gun discharged, killing the victim. The defendant claimed that he was only playfully waving the weapon around, and did not intend to shoot the victim. The defendant also admitted that he had accidentally discharged the weapon on at least one prior occasion. A federal grand jury indicted the defendant for involuntary manslaughter on February 13, 2003. On August 14, 2004 the defendant pled guilty to the Indictment and was sentenced to 36 months imprisonment to be followed by 36 months supervised release. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

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UNITED STATES v. JAMES SOKE

Pending

Charge: Voluntary Manslaughter

This defendant and the victim (a close friend) were drinking together. The two got into an argument and the defendant stabbed the victim. The victim did not receive medical attention in a timely fashion and died as a result of the injuries. On April 2, 2004 the defendant pled guilty to voluntary manslaughter and sentencing is pending. The investigation was handled by the Federal Bureau of Investigations and the Gila River Indian Community Police Department.

UNITED STATES v. DANIEL WHITMAN

Pending

Charge: Involuntary Manslaughter and 924(c)

This defendant was arguing with his common-law wife. He became upset with her and put a gun to her head and pulled the trigger. The defendant alleged that he put the gun to her head to "piss her off" and that the shooting was accidental. On June 18, 2004, the defendant pled guilty to involuntary manslaughter and 924(c), Use of a Firearm in a Crime of Violence. Sentencing is set to occur on September 9, 2004. The investigation was handled by the Federal Bureau of Investigations and the Gila River Indian Community Police Department.

ASSAULT

UNITED STATES v. EFRIN JESS LOPEZ

10 Months

Charge: Assault on a Federal Officer

On February 27, 2002, a Pascua Yaqui Police Officer attempted to arrest the defendant for possession of marijuana. The defendant resisted arrest and attempted to flee. The defendant ran into a home on the Pascua Yaqui Reservation. When the officer attempted to enter the house, the defendant slammed the door on his arm, causing a large laceration on her wrist. The defendant was eventually apprehended and charged with assault on a federal officer. The defendant pled guilty to the Indictment. On September 3, 2003, the defendant was sentenced to prison for 10 months, to be followed by one year of supervised release and ordered to pay \$120.00 restitution to the victim. The investigation in this case was handled by the Federal Bureau of Investigation and the Pascua Yaqui Police Department.

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UNITED STATES v. MARLIN MOSES

10 Years

Charge: Assault with a Dangerous Weapon (2 Counts)
Assault Resulting in Serious Bodily Injury (2 Counts)

On May 2, 2003, Moses and others committed a drive by shooting at the residence of Pike, Sr. in Bylas. Pike, Sr. contacted San Carlos tribal police and reported the shooting. Soon thereafter, Pike, Sr., Jensen Pike, and others confronted the shooters at a different home in Bylas. During the confrontation, Moses opened fire on Pike, Sr. and the others, shooting Pike, Sr. and another victim. Jensen Pike then hit another victim who had been in the vehicle with Moses during the drive by shooting, in the head with an axe. The three victims were flown out to receive medical attention. Two victims were listed in critical condition, the other was treated for a skull fracture, a laceration to the front of his skull, bleeding into his brain and a fractured right wrist. On October 30, 2003, Moses pleaded guilty to one count of Use of a Firearm in a Crime of Violence. On March 3, 2003, he was sentenced to ten years in federal custody followed by five years on supervised release. Jensen Pike's prosecution was handled by the U.S. Attorney's Office for the District of New Mexico. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement and San Carlos Police Department.

UNITED STATES v. MERVIE HALWOOD, UNITED STATES v. JOHNSTON CLARK,

***Pending
45 months***

Charge: Assault Resulting in Serious Bodily Injury

On January 16, 2004, Mervie Halwood, was found guilty of Assault Resulting in Serious Bodily Injury of the victim by a federal jury. The evidence at trial showed that on March 16, 2003, Halwood and several of his relatives traveled to the home shared by the victim, intending to purchase marijuana from the uncle of the minor victim. When they were denied by the victim's uncle, the defendant and the others became enraged and began breaking windows and throwing rocks at home. The victim stepped outside his home out of concern for his dog who was tied up outside. The defendant, Halwood, punched the victim and knocked him to the ground, where he and four others beat the minor victim for several minutes where he lay helpless on the ground. There was also evidence at trial that a metal pipe was also used in the attack. The victim sustained life-threatening injuries including a skull fracture, fractures of his nose and facial bones, and brain injuries, including a subdural hematoma. At trial, Halwood, approximately 6' and 200 pounds, testified and claimed self defense against the minor victim, who was approximately 5'7" and 95 pounds. Halwood is pending sentencing. Clark pleaded guilty prior to trial and was sentenced to 45 months imprisonment, \$12,114.28 in restitution, and three years of supervised release. Another co-defendant, Dalton Yazzie is currently pending trial. The investigation leading to the guilty verdict was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement Services.

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UNITED STATES v. STANFORD MARTIN LOPEZ

25 Months

Charges: Assault Resulting in Serious Bodily Injury

On March 1, 2002, a Tohono O'odham police officer was dispatched to the Cocklebur Village to meet with Southwest Ambulance personnel in reference to a two-year old child with a leg injury. The defendant reported to the officer that while he was in the bathroom, the victim fell out of the crib. He stated he immediately called 911 for assistance. After further questioning, the defendant admitted he waited approximately 15 minutes after the incident to call for help. The victim was flown to Good Samaritan Hospital in Phoenix. Doctors at the hospital stated that the victim had a fractured femur, multiple abrasions, a scratch on the left side of her nose, both ears were purple at the top of the outer lobes, and the bottom of both of her feet were bruised. Following the victim's surgery to repair her leg, she developed a staph infections and was hospitalized for 11 days. The victim's left leg has not developed at the same rate as her right leg, and she has suffered from nightmares and behavioral problems since the assault. In a subsequent interview, the defendant admitted he kicked her leg, and pricked and squeezed her ears as a form of punishment. The defendant plead guilty to Assault Resulting in Serious Bodily injury. On September 8, 2003, Lopez was sentenced to 25 months in federal custody followed by 36 months of supervised release. He was ordered to pay restitution in the amount of \$25,000 to AHCCS for the victim's medical treatment and participate in a mental health program. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v. JUVENILE MALE

11 Months

Charge: Juvenile Delinquency (Aggravated Assault)

On July 17, 2002, at San Lucy Village on the Tohono O'odham Indian Reservation, the juvenile assaulted the victim. The juvenile provoked a physical confrontation with the victim, and hit the victim over the head with a glass bottle. The juvenile then pulled a knife out of his pocket and stabbed the victim in the arm. The victim sustained a deep laceration in the arm which required 14 staples to close. On May 15, 2003, an Information was filed alleging that the juvenile had committed an act of juvenile delinquency by assaulting the victim. The juvenile pled guilty to the assault on October 14, 2003. On November 7, 2003, he was sentenced to 11 months in prison to be followed by 22 months supervised release. He was also ordered to pay \$582.33 in restitution to the victim. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

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UNITED STATES v. OMAR DIXON

33 Months

Charge: Assault with a Dangerous Weapon

The defendant was returning from a party area north of Tuba City in a mini-van when he started stabbing the driver of the mini-van. The driver, in an attempt to escape the assault, had to jump from the moving van to escape. On September 18, 2004 the defendant entered a guilty plea to assault with a dangerous weapon. He received a sentence of 33 months in federal custody on December 18, 2003. The investigation in this matter was handled by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

UNITED STATES v. JUVENILE

36 Months

Charges: Juvenile Delinquency (Car Jacking, Assault with a Dangerous Weapon)

In the early morning hours of December 23, 2002, the victim female security guard was performing her usual duties at United Metro on the Salt River Community. While performing her duties, she used her personal car. She was approached by a juvenile and two others. The juvenile asked for a ride to the Lihi District of the Salt River Community, which the victim refused. The juvenile forcibly removed the victim and took her car. She reported the theft to the Salt River Police Department. In attempting to flee the area in victim's car, the Juvenile struck two Salt River police cars which had responded to the scene. During his continued flight through the desert, the juvenile ran off a 30-40 ft. cliff, flipped the car and crashed landed, but sustained only minor injury. He was then apprehended by the police. The Juvenile entered pleas to the charges and was sentenced to detention for three years followed by two years of supervised release. The investigation was conducted by the Salt River Pima-Maricopa Indian Community Police Department.

UNITED STATES v. EDMUND QUINTERRO

37 Months

Charge: Assault Resulting in Serious Bodily Injury

On June 19, 2002, the defendant purchased one case of beer at a liquor store. He was traveling with three children to a residence at one of the housing units in Whiteriver, Arizona. He drank a significant number of beers and consumed cocaine. At some point after drinking the alcohol, he decided to take the children home. He left the house where he had been drinking, and drove north on State Route 73. He reached an intersection and attempted to make a left turn. He turned in front of another vehicle that was traveling southbound on State Route 73, which has a posted speed limit of 45 mph. The oncoming car was unable to stop and the defendant collided with the second car. The two child victims, a 12 year-old and 5-year old, had been riding in the bed of the defendant's pickup and were ejected upon impact. They died as a result of injuries they suffered when they hit the ground. A passenger in the second vehicle suffered serious bodily injuries including a fractured a hip,

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broken ribs and a head injury as a result of the accident. The intersection was located on the Fort Apache Indian Reservation. Tests performed on the blood of the defendant revealed trace amounts of cocaine and a blood alcohol level of .288%. The minimum legal level in the State of Arizona is .08%. The defendant had a previous DUI state conviction. The defendant pled guilty to three counts of Assault Resulting in Serious Bodily Injury on October 24, 2003. On January 22, 2004, the defendant was sentenced to 37 months in a federal prison and placed on three years of supervised release upon his release from prison. While on supervised release he will be monitored by the U.S. Probation Office. The investigation in this case was conducted by the White Mountain Apache Tribal Police Department, the Arizona Department of Public Safety and the Fort Apache Agency of the Bureau of Indian Affairs Office of Law Enforcement.

UNITED STATES v. LEONARD THOMPSON, JR.

33 Months

Charge: Assault with a Dangerous Weapon

This defendant beat the victim in the face with a wine bottle. On February 25, 2004, the defendant pled guilty to Assault with a dangerous weapon. He was sentenced to 33 months in prison on May 12, 2004. The investigation was handled by the Federal Bureau of Investigation.

UNITED STATES v. PETER CLARK

Pending

Charges: Assault with a Dangerous Weapon and
Assault Resulting in Serious Bodily Injury

The defendant lived with the female victim for five years near Chinle on the Navajo Reservation. On January 31, 2004, during a domestic dispute, defendant assaulted the victim with a rock resulting in fractures to her nose, zygomatic arch and eye orbit with an associated facial laceration, multiple contusions and abrasions and a significant knee laceration. Defendant admitted his involvement in the assault to an investigating Federal Bureau of Investigation Special Agent, including identifying the rock that was used in the assault. On May 13, 2004, the defendant plead to Assault with a Dangerous Weapon. Sentencing is set for August 9, 2004. The maximum statutory penalty for the crime of Assault with a Dangerous Weapon is five years in federal custody and/or a \$250,000. fine or both. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Department of Public Safety.

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UNITED STATES v. EDWARD BAPTISTO

57 Months

Charge: Assault with a Dangerous Weapon

This defendant was drinking with a co-worker when the two decided to go out to the desert to fire a shotgun at cans. The victim alleged that the defendant intentionally shot him. The defendant alleged that when the defendant was playing with the gun, swinging it around, that it discharged and hit the victim. On January 14, 2004 the defendant entered a guilty plea. On May 25, 2004, he was sentenced to 57 months in prison.

UNITED STATES v. ERIC GASS

78 Months

Charge: Assault Resulting in Serious Bodily Injury (2 Counts)

On June 19, 2003, the defendant was in the Whiteriver area in violation of his supervised release conditions which prohibited his return to the Whiteriver Reservation without the permission of the United States Probation Office. An argument broke out and he took his knife and stabbed one individual in the face, arm and back. He stabbed the other victim in the stomach which required emergency surgery. As a result of his injuries, that victim was unable to finish school or participate in sports. In the future, this same victim will be unable to work in a field that requires physical labor. The defendant has a prior history of assaults on other Whiteriver residents. In 1997 Gass assaulted a 14 year old girl with a tire iron. He was subsequently sent back to prison in 2002 for stabbing a Whiteriver man and had been on supervised release for only a couple of months when this double stabbing occurred. On January 7, 2004, the defendant plead guilty to two counts of Assault Resulting in Serious Bodily Injury. On April 16, 2005, he was sentenced to an additional nine months to run consecutively to the 78 month sentence for violating his supervised release. Upon his release from prison, he will be placed on three years supervised release under the supervision of the United States Probation Office. The investigation in this case was conducted by White Mountain Apache Tribal Police Department and the Fort Apache Agency of the Bureau of Indian Affairs Office of Law Enforcement.

UNITED STATES v. ARLANDO WHITEROCK

27 Months

Charge: Assault with a Dangerous Weapon

The defendant stabbed the victim. The defendant and the victim had been previously selling jewelry near the dinosaur tracks near Meonave. On February 10, 2004, he plead guilty to the charge of assault with a deadly weapon. On April 27, 2004, he was sentenced to 27 months in federal custody. The investigation was conducted by the Navajo Department of Law Enforcement.

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UNITED STATES v. LE RON NOSIE

33 Months

Charge: Assault Resulting in Serious Bodily Injury

On February 24, 2002, defendant Nosie was with a girlfriend at a home located in East Fork on the Fort Apache Indian Reservation. Nosie was asleep in his bed when he was awakened by a neighbor who informed him that his girlfriend/victim and the neighbor's husband were in a room engaged in sexual relations. The defendant went to the room and the neighbor's husband ran out of the house. The defendant started throwing plates and a frying pan at the victim. He grabbed her by the hair and started to drag her down the hall way. The victim managed to get loose, ran to the bedroom, locked the door and attempted to go out the window. The defendant obtained an axe and broke open the bedroom door. He began to strike her repeatedly about the body with the handle. At one point he turned the axe around and struck her with the blunt end. He caused the victim to suffer a severe laceration and a fracture to her leg. As a result she suffered great pain, required hospitalization and a cast to fix the bone fracture. However Nosie delayed taking her to the hospital for 24 hours which put her at great risk of infection and possibly of losing her leg. Nosie also told the victim to tell the doctor that she had injured herself while chopping wood. On January 27, 2004, the defendant plead guilty to Assault Resulting in Serious Bodily Injury. On May 4, 2004, he was sentenced to 33 months in prison. Upon release from prison he is required to serve three years of supervised release under the supervision of the U.S. Probation Department. The investigation in this case was conducted by White Mountain Apache Police Department and the Fort Apache Agency of the Bureau of Indian Affairs Office of Law Enforcement.

UNITED STATES v. JOHN DOE

29 Months

Charge: Aggravated Assault (Juvenile Delinquency)

On May 12, 2004, the juvenile plead guilty to one count of juvenile delinquency (aggravated assault) for an intentional shooting of the victim. The victim was shot in the leg during a drive-by shooting. On June 7, 2004, the juvenile was sentenced to a term of 29 months in federal custody and ordered to pay restitution to AHCCCS for the medical services provided to the victim. The investigation was conducted by the Tohono O'odham Police Department and the Federal Bureau of Investigation.

UNITED STATES v. ZANDER ARIZONA

Pending

Charge: Assault with a Dangerous Weapon

The defendant is a member of the Folks gang in Tuba City. He was shooting at cars with an AK-47 while driving to a popular party area north of Tuba City. On July 17, 2003, the defendant entered a guilty plea to seven counts of assault with a dangerous weapon. On

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October 6, 2003, he was sentenced to 97 months in federal custody. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Department of Law Enforcement.

UNITED STATES v. JUVENILE MALE

12 Months

Charge: Aggravated Assault (Juvenile Delinquency)

On July 2, 2003, the defendant, a juvenile male, was drinking alcohol in the San Xavier District of the Tohono O'odham Reservation. He saw the victim sleeping on the ground near the defendant's location. The defendant, who mistook the victim for someone else, hit the victim multiple times in the head with a large piece of wood. As a result of the assault, the victim received multiple facial lacerations, a broken and dislocated jaw, and lost two teeth. On February 27, 2004, the defendant pled guilty to an Information charging him with an act of juvenile delinquency (assault resulting in serious bodily injury). On April 4, 2004, the defendant was sentenced to 12 months imprisonment, to be followed by two years supervised release. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v. TOMMY CELAYA, JR.

117 Months

Charge: Assault Resulting in Serious Bodily Injury

The defendant had just been released from a federal halfway house when he brutally attacked his father in his home where several people had been drinking. When the father told a female guest that she did not have to leave with the defendant, the defendant hit his seated father, knocked him to the floor, and began to kick him in the stomach and head. The defendant dropped a chair, hollowed from a section of a log, on his father, causing tremendous blood loss, broken facial bones, cardiac arrest, and knocking his father's eye completely out of its socket so that it had to be detached by physicians. He was found guilty by a jury on November 3, 2003, of Assault Resulting in Serious Bodily Injury. This was the defendant's third violent felony offense and he was sentenced as a Career Offender. He had been previously convicted of stabbing his father, and on another occasion for stabbing his girlfriend. On January 30, 2004, the defendant was sentenced to 117 months in federal prison for the latest assault on his father, to be followed by 17 months for violating his supervised release imposed as a result of the defendant's prior conviction for stabbing his girlfriend. The investigation was conducted by White Mountain Apache Tribal Police Department and the Ft. Apache Agency of the Bureau of Indian Affairs.

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UNITED STATES v. RUBEN MOQUINO

87 Months

Charge: Assault with a Dangerous Weapon

The 48 year old female victim corresponded with 35 year old Moquino while Moquino was incarcerated in the Arizona State Prison. On Moquino's release, the victim and Moquino met and established what the victim described as a friendly relationship. In the early morning hours of January 1, 2003, Moquino and victim were together at a New Year's party on the Salt River Pima-Maricopa Indian Community. Moquino, who had been drinking, asked to drive the victim's car but the victim refused. Apparently angered, Moquino then threatened and stabbed the victim with a knife, resulting in a wound to her lower abdomen which required hospitalization. The defendant was convicted of the charge by a federal jury. On June 8, 2004, he was sentenced to 87 months in federal custody followed by three years on Supervised Release. While on supervised release, he will be monitored by the U.S. Probation Department. The investigation was conducted by the Salt River Pima-Maricopa Indian Community Police Department.

UNITED STATES v. BILLISON HASKIE

27 Months

Charge: Assault with a Dangerous Weapon

The defendant assaulted a tribal police officer who was responding to a domestic disturbance call in Bitter Springs. The defendant plead guilty to the crime of assault with a dangerous weapon on September 26, 2003. He was sentenced to 27 months in federal custody on December 8, 2003. The investigation was conducted by the Navajo Department of Law Enforcement.

UNITED STATES v. LEANDER HURLEY

41 Months

Charge: Assault Resulting in Serious Bodily Injury

The defendant shot his uncle with a homemade gun after his uncle confronted him about stealing a friend's rifle. On October 28, 2003, the defendant plead guilty to assault resulting in serious bodily injury. He was sentenced to 41 months in federal custody on January 6, 2004. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Department of Law Enforcement.

UNITED STATES v. MATHIAS LEE JOE

Pending

Charge: Assault with a Dangerous Weapon

On December 16, 2003, the defendant, an Indian, while on the Navajo Reservation, assaulted a Navajo Nation Police Officer with a knife. The officer was responding to the defendant's home on a domestic disturbance call. The officer was attempting to place

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defendant under arrest when defendant began to resist by punching the officer repeatedly in the chest and neck area. The officer eventually gained control and handcuffed defendant. At that point he realized he was bleeding from multiple stab wounds to the neck and shoulder area. Defendant admitted to having a knife in his fist when he was punching the officer, causing the stab wounds. On May 3, 2004, the defendant pled guilty to Assault with a Dangerous Weapon, a Class C felony. The defendant was charged by information with Assault with a Dangerous Weapon because he was a juvenile at the time of the offense. Pursuant to his plea, he agreed to waive a transfer hearing and plead guilty as an adult. Sentencing is scheduled for August 9, 2004, where he faces sentence of 24-30 months in prison. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

UNITED STATES v. THOMAS JIM

Pending

Charge: Assault Resulting in Serious Bodily Injury

On April 30, 2004, the defendant pled guilty to Assault Resulting in Serious Bodily Injury, a Class C felony. The defendant was charged with assault resulting in serious bodily injury and assault with a dangerous weapon. On December 2, 2003, the defendant was drinking with his live-in girlfriend. They consumed two quarts of beer and a can of hair spray mixed with water. At some point in time, the defendant and the victim began to argue about whether to buy more beer. A fight ensued and the defendant beat and cut the victim. The victim received a laceration from the front of her neck over her shoulder which required stitches. She also had numerous lacerations to her face as well as bruising. Sentencing is set for August 2, 2004. The defendant will be sentenced to range between 33-87 months imprisonment depending on his criminal history. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

UNITED STATES v. GILBERT LERMA

77 Months

Charge: Assault with a Dangerous Weapon;
Assault Resulting in Serious Bodily Injury

On October 30, 2002, the victim was at home with his girlfriend and two children, when Lerma, with another, arrived and began to assault victim. During the assault, the victim was stabbed with a knife, causing serious injury. The defendant entered a guilty plea to Assault with a Dangerous Weapon and was sentenced to 77 months followed by three years supervised release. Despite an appeal waiver provision in the plea agreement, an appeal regarding a sentencing issue is pending. The investigation was conducted by the Salt River Pima-Maricopa Indian Community Police Department.

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UNITED STATES v. STEVEN SANTOS

33 months

Charge: Assault with a Dangerous Weapon

This defendant and friends were partying on the Gila River Indian Reservation. Also with the group was a 13-year-old girl who wanted to be taken home. The defendant became tired of her asking to be taken home, so he put her in the trunk of the car for some hours and eventually drove her to the desert and left her there. On June 9, 2004, the defendant pled guilty to Aggravated Assault. On June 9, 2004 he was sentenced to 33 months in prison. The investigation was handled by the Gila River Indian Community Police Department.

UNITED STATES v. GALEN HOWARD

Pending

Charge: Aggravated Assault

This defendant became upset with the victim because the defendant thought the victim was having sexual contact with his wife. The defendant stabbed the victim. On May 27, 2004, the defendant pled guilty to Aggravated Assault and is pending sentencing on August 5, 2004. The investigation was handled by the Navajo Department of Law Enforcement

UNITED STATES v. STEWART OSIF

41 Months

Charge: Assault with a Dangerous Weapon

UNITED STATES v. RAMON CHARLES GARCIA

12 Months

Charge: Unlawful Use of Means of Transportation

On January 8, 2003, Ramon Garcia was driving a recently stolen Chevrolet Suburban on the Salt River Indian Community. Stewart Osif was a rear seat passenger. Salt River Police Officers, in a clearly marked SRPD vehicles, identified the Suburban as stolen and, with lights and sirens, attempted a stop. Garcia failed to stop and officers began a high speed pursuit through the Salt River Community. During the pursuit, Osif threw two tires, with rims, out the window of the Suburban. Pursuing officers had to take evasive action to avoid being struck by the tires. For an unknown reason, during the pursuit, the Suburban started on fire, causing both Garcia and Osif to flee on foot. Inexplicably, Osif decided to jump from a nearby bridge with an approximate 60 foot drop. He survived but sustained multiple broken bones and was hospitalized. Garcia was apprehended at the scene. Both defendants entered pleas to their respective charges. Osif was sentenced to 41 months imprisonment followed by three years Supervised Release. Garcia was sentenced to one year imprisonment followed by one year Supervised release. The investigation was conducted by the Salt River Pima-Maricopa Indian Community.

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UNITED STATES v. LEO PEACOCK

84 Months

Charge: Assault with a Deadly Weapon

On June 04, 2003, the defendant shot the victim in the leg with a rifle. This took place on the Navajo Reservation. Defendant and victim were in an argument when the shots were fired. Defendant indicated to authorities that he was afraid of the victim and shot him for things the victim had done to him and his family in the past. At the time of the shooting there was no danger presented to defendant by the victim. On January 12, 2004, the defendant pled guilty to Assault with a Deadly Weapon, a Class C felony, with an agreed upon sentence of 84 months. He was sentenced on June 7, 2004. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

UNITED STATES v. SATENTHA TOBY

Pending

Charge: Assault on a child under age 16

This defendant assaulted her 9-year-old daughter by hitting her in the back of the legs with a broom handle, causing welting. On June 3, 2004, the defendant pled guilty to assault and is on deferred sentencing. The investigation was handled by the Gila River Indian Community Police Department.

UNITED STATES v. PAUL WAUNKA

Pending

Charge: Aggravated Assault

This defendant and his brother were drinking. The two got into an argument and the defendant beat on the victim with a shovel. On May 4, 2004, the defendant pled guilty to Aggravated Assault. Sentencing will occur on July 26, 2004. The investigation was handled by the Federal Bureau of Investigation.

UNITED STATES v. ANTHONY WICHAPA

90 Months

Charge: Aggravated Assault (4 Counts)

On June 1, 2001, the defendant, a gang member, attended a party in what he considered to be rival gang territory in Sells, Arizona. The defendant brought a knife with him to the party. As the defendant was leaving the party, he stabbed two children, ages 10 and 11 who were playing in an area with good overhead lighting. Neither child was armed with a weapon. The defendant stabbed the 10 year old victim in the neck with a butterfly knife, and stabbed the 11 year old in the back. The defendant claimed that he was "hyped up" because he was in rival gang territory, couldn't clearly see the victims, and considered them a threat. The 10 year old victim almost died as a result of the stab wound to his neck

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and suffers continuing physical problems. The defendant pled guilty to four counts of Aggravated Assault. On February 19, 2004, he was sentenced to 90 months in federal custody. The sentence constituted a 19 month upward departure for the extreme conduct of the defendant. Upon release from custody he must serve three years of supervised release. In addition, he was ordered to pay \$87,000.00 in restitution. The investigation was conducted by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

UNITED STATES v. LAWRENCE MICHAEL FRANCISCO

48 months

Charge: Assault with a Deadly Weapon

On May 9, 2000, in Sells on the Tohono O'odham Nation, the victim, was at a family party when he and the defendant had an altercation. The victim went to sleep on a couch. Sometime during the night, the defendant took a baseball bat and began hitting the victim while he lay sleeping. As the victim's sister (also the defendant's girlfriend) tried to intervene, the defendant turned and hit her on the arm breaking it. The defendant fled and was later found sleeping in a church where he was arrested. The victim was hospitalized with two broken arms, a broken leg and a skull fracture. The defendant was convicted of two counts of assault with a deadly weapon and intent to do bodily harm. He was sentenced to 48 months in federal custody. The investigation was conducted by the Tohono O'odham Tribal Police and the Federal Bureau of Investigation.

SEX OFFENSES

UNITED STATES v. EVERETT LEE

108 Months

Charge: Aggravated Sexual Abuse of a Minor

Everett Lee was found guilty by jury on December 12, 2003, of Aggravated Sexual Abuse of a Minor. On August 8, 2003, the defendant went to the home of the four year old victim. A family friend, who had been left in charge of the victim and the family home while the victim's mother was out of town, entered the home and found the defendant in the house, even though she had locked the door before she left earlier that day. The defendant told her that he had been asked to watch the home by the victim's father. When contacted later, the father denied that he had asked the defendant to watch the home. The family friend went into a bedroom, and left the victim with the defendant and the friend's brother in the living room to watch television. The brother later went into the bedroom where his sister was and told her that the defendant had taken the victim to another bedroom. The friend then pounded on that bedroom door, which was held shut by the defendant. When she got in to the room, she found the victim on the bed with a pillow over her face and body. The

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victim was wearing shorts belonging to an older child that were different than the shorts she had been wearing when the defendant took her into the bedroom, and her underwear was on backwards. The defendant told her he was putting the victim to bed. The defendant was interviewed and admitted that he had taken off the victim's pants and underwear and touched her vaginal area. He then hurriedly dressed her when he heard someone at the bedroom door and grabbed the wrong shorts to put on the victim. On April 23, 2004, the defendant was sentenced to 108 months in federal custody. Upon his release from prison he will be on supervised release for the rest of his life under the guidance of the U.S. Probation Office. The investigation in this case was conducted by the Navajo Department of Criminal Investigations and the Federal Bureau of Investigation.

UNITED STATES v. DARRELL JAMES TORTICE

Pending

Charge: Aggravated Sexual Abuse

On September 18, 2003, the defendant went to his estranged girlfriend's house to gather some clothes. The defendant and his girlfriend already had two children together and she was pregnant with their third child. While at the house, the defendant began physically assaulting her. He then took her into a bedroom and began to remove her clothes. The victim repeatedly told the defendant "no." The defendant said things that made the victim know that if she did not give him what he wanted he would hurt her or even kill her. While sexually assaulting her, the defendant pushed her legs apart and told her he did not want the baby or their other daughter and that he did not care if she died. On May 6, 2004, the defendant pled guilty to Aggravated Sexual Assault, a Class A felony. Sentencing is set for August 2, 2004. The investigation in this case was conducted by the Federal Bureau of Investigation and the Whiteriver Police Department.

UNITED STATES v. JOHN NORRIS

180 Months

Charge: Aggravated Sexual Abuse

On August 8, 2003, John Cornelio Norris, a member of the Tohono O'odham Indian Nation was sentenced to 15 years imprisonment for three counts of Aggravated Sexual Abuse. Norris was found guilty by a jury on all three counts, after evidence at trial established that Norris had repeatedly sexually molested a juvenile relative who was five years old. Finding the defendant to be "a serious threat to young people," the Court imposed a sentence of 180 months incarceration, to be followed by five years of supervised release with intensive supervision conditions, including registration as a sex offender. Norris was also ordered to pay a \$2,000.00 fine. The investigation in this case was conducted by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

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UNITED STATES v. ALFONSO MICHAEL JUAN

60 Months

Charge: Aggravated Sexual Abuse

On July 1, 2003, Alfonso Michael Juan, was sentenced to 60 months imprisonment for Aggravated Sexual Abuse. The charges arose from his attempt to rape of a female victim who was walking home from New Year's festivities in the early morning hours on January 1, 2002. Nearby Tohono O'odham police officers heard the victim's cries for help and pulled the defendant off of the victim. The defendant's term of imprisonment will be followed by five years of supervised release, including stringent sex offender conditions and the requirement that he register as a sex offender. The investigation was conducted by the Federal Bureau of Investigation, Tucson Office, and the Tohono O'odham Police Department.

UNITED STATES v. JESUS ESCALANTE, SR.

60 Months

Charge: Aggravated Sexual Abuse

On April 7, 2004, Jesus Escalante, Sr., a member of the Pascua Yaqui Indian Nation, was sentenced to 60 months incarceration, to be followed by 36 months of supervised release with strict sex offender conditions, including sex offender registration. Escalante had entered a guilty plea to aggravated sexual assault after engaging in repeated sexual abuse of a female relative. Escalante received some reduction in his sentence for turning himself in to authorities for the conduct. The investigation in this case was conducted by the Federal Bureau of Investigation and the Pascua Yaqui Police Department.

UNITED STATES v. DARRELSON DENNY

Pending

Charge: Aggravated Sexual Abuse of a Child

On August 24, 2003, Darrelson Denny pleaded guilty to aggravated sexual abuse of a child. During his plea, he admitted to anal penetration of a four-year-old boy. Denny sexually abused the child in the bedroom where the child had been sleeping, causing a rectal tear and severe bruising of the child's anus. Denny faces a statutory maximum of life in prison when he is sentenced on August 16, 2004.

UNITED STATES v. ANTHONY JOSEPH SALCIDO

88 Months

Charge: Sexual Assault (1 Count)

On February 17, 2002, the Tohono O'odham Nation Police Department received a report that the defendant had just raped her son's girlfriend at her home. Officers responded to the residence in the village of Topawa and met with the 19 year-old female victim. Her face was swollen, and she had contusions and abrasions on her face. The victim stated that

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she went to bed about 10:00 p.m. that night, then awoke with the defendant on top of her, strangling her, making threats of “shut up, I will kill you” and calling her obscenities. She resisted and he became physically violent. The defendant continued to beat her in the face while attempting to remove her pants. The defendant eventually removed her pants and inserted his penis inside her vagina for about one minute. The defendant pled guilty to the indictment, charging him with Sexual Assault. On September 8, 2003, he was sentenced to 88 months in federal custody followed by five years on supervised release (wherein he must abide by sex offender conditions). The investigation was conducted by the Federal Bureau of Investigation and the Tohono O’odham Police Department.

UNITED STATES v. RAYMUNDO CORONA

36 Months

Charge: Abusive Sexual Contact

On March 9, 2004, the defendant was sentenced to 36 months in prison followed by stringent sex offender supervision, including registration as a sex offender. Corona entered a plea of guilty to abusive sexual contact for conduct which took place on the Tohono O’odham Indian Reservation. Corona had moved to the Santa Rosa Village and began selling candy and snacks from his residence. On two occasions, Corona sexually fondled a ten year-old child when she bought candy from him. Corona, who had a prior conviction out of California for lewd acts with another child, accused the victim of “seducing him.” Upon release from federal custody the defendant must serve three years on Supervised Release. The investigation was conducted by the Federal Bureau of Investigation, Tucson Office, and the Tohono O’odham Police Department.

UNITED STATES v. MELVIN FRANCISCO

18 Months

Charge: Abusive Sexual Contact

On October 20, 2003, Melvin James Francisco, a member of the Tohono O’odham Indian Nation, was sentenced to 18 months incarceration after a guilty plea to one count of Abusive Sexual Contact. Francisco, who had sexually fondled a young female relative while babysitting, will be on supervised release for three years following his incarceration, and will be subject to stringent sex offender conditions, which also require his registration as a sex offender. The investigation in this case was conducted by the Federal Bureau of Investigation and the Tohono O’odham Police Department.

UNITED STATES v. TYRONE BEGAY

Pending

Charge: Aggravated Sexual Abuse and Kidnapping

This defendant is alleged to have committed sexual acts against his girlfriend, by using force against her. On June 15, 2005 the defendant pled guilty to Aggravated Sexual Abuse and is pending sentencing on August 30, 2004. The investigation was handled by the Navajo Department of Law Enforcement.

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UNITED STATES v. JUVENILE

9 Months

Charge: Juvenile Delinquency/Abusive Sexual Contact

On April 13, 2004, the juvenile defendant from the Tohono O'odham Indian Nation was sentenced to serve nine months in custody for abusive sexual contact of a young female child. The juvenile's term of detention will be followed by nine months in a halfway house, and supervised release until the age of 21. Supervision will include rigid sex offender conditions and regular sex offender therapy. The investigation was conducted by the Federal Bureau of Investigation, Tucson Office, and the Tohono O'odham Police Department.

UNITED STATES v. LEMANUEL LEE

108 Months

Charge: Aggravated Sexual Abuse

Lemanuel Lee entered a plea of guilty on September 16, 2003, to aggravated sexual abuse of a minor child. On December 8, 2003, he was sentenced to 108 months in federal custody to be followed by five years of supervised release. The investigation in this case was conducted jointly by the Navajo Nation Division of Public Safety and the Federal Bureau of Investigations.

UNITED STATES v. BENSON PAUL

135 Months

Charge: Aggravated Sexual Abuse

Benson Paul entered a plea of guilty to aggravated sexual abuse of a minor child. Paul admitted committing the offense. He was sentenced to 135 months in federal custody to be followed by five years of supervised release. The investigation in this case was conducted jointly by the Navajo Nation Division of Public Safety and the Federal Bureau of Investigations.

UNITED STATES v. JULIUS SMITH

87 Months

Charge: Sexual Abuse

Julius Smith entered a plea of guilty to sexual abuse. Smith and the victim were observed in an isolated area by law enforcement. The victim had consumed so much alcohol she was unable to communicate her unwillingness to participate in the conduct. Following his guilty plea, he was sentenced to 87 months in federal custody to be followed by five years of supervised release. The investigation in this case was conducted by the Navajo Nation Division of Public Safety.

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UNITED STATES v. DERRICK THOMPSON

97 Months

Charge: Aggravated Sexual Abuse

On October 2, 2002, Derrick Thompson entered a plea of guilty to aggravated sexual abuse that occurred on the Navajo Indian Reservation. On December 23, 2002, he was sentenced to 97 months in federal custody to be followed by five years of supervised release. The investigation in this case was conducted jointly by the Navajo Nation Division of Public Safety and the Federal Bureau of Investigations.

UNITED STATES v. JUVENILE

4 years Delinquency Supervision

Charge: Juvenile Delinquency (Aggravated Sexual Abuse)

The juvenile engaged in a sexual act with a minor under 12. He admitted the offense and was sentenced to 48 months delinquency supervision. The defendant was also placed in a residential treatment facility where he will receive sex offender treatment. The investigation in this case was handled by the Navajo Nation Division of Public Safety and the Federal Bureau of Investigations.

UNITED STATES v. RONALD HOVEL

29 Months

Charge: Sexual Abuse of a Minor

Ronald Hovel of Whiteriver, Arizona, entered a plea of guilty to sexual abuse of a minor. The defendant admitted he engaged in a sexual act with the victim who was under 16. The defendant was sentenced to 29 months in federal custody and three years supervised release. The investigation was handled by the Bureau of Indian Affairs Office of Law Enforcement and the Federal Bureau of Investigations.

UNITED STATES v. QUINTIN JIM

36 Months

Charge: Abusive Sexual Contact

Quintin Jim pled guilty to abusive sexual contact. The female victim was under 12. The defendant admitted he engaged in the act with the victim. The defendant was sentenced to 36 months in federal custody and three years supervised release. The investigation was handled by the Bureau of Indian Affairs Office of Law Enforcement and the Federal Bureau of Investigations.

CRIMINAL DIVISION

UNITED STATES v. BENJAMIN HOT, JR..

78 Months

Charge: Aggravated Sexual Abuse

This 21-year-old defendant had sexual intercourse with an 11-year-old girl. On November 18, 2003 the defendant pled guilty to Aggravated Sexual Abuse. He was sentenced on February 2, 2004 to a term of 78 months in prison followed by five years on supervised release. The investigation was handled by the Navajo Department of Law Enforcement.

UNITED STATES v. RODOLFO GARCIA

135 Months

Charge: Aggravated Sexual Abuse of a Minor (1 Count)
Abusive Sexual Contact (3 Counts)

On March 25, 2003, the defendant was convicted by a federal jury. The defendant fondled and had sex with the ten year old sister of his common law wife while she and her sisters lived with the defendant. He also was accused of fondling another sister; he was acquitted of that count at trial. The defendant was sentenced on November 6, 2003 to 135 months in federal custody. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement.

UNITED STATES v. EDWARD DEE

97 Months

Charge: Kidnapping (2 Counts);
Aggravated Sexual Abuse of a Minor (2 Counts)

The defendant was the uncle of the fourteen year old victim. He convinced her to go with him to meet her mother and instead took her to desert, where he forcibly fondled her breast and vaginal area. She ran from him and disclosed. He was also accused of a similar incident with a second victim a few years earlier. On September 2, 2003, the defendant pled guilty to one count of Aggravated Sexual Abuse. On May 25, 2003 he was sentenced to 97 months in federal custody. The investigations were conducted by the Bureau of Indian Affairs Office of Law Enforcement and the Navajo Department of Law Enforcement.

UNITED STATES v. VERNON NEZ

Pending

Charge: Aggravated Sexual Abuse of a Minor

The defendant is the boyfriend of the victim's mother. The victim, aged 11 at the time the abuse started, was diagnosed with a sexually transmitted disease and disclosed that her mother's boyfriend had been sexually assaulting her. The defendant admitted that the sexual abuse "might have happened". He was charged with three counts of Aggravated Sexual Abuse and one count of Sexual Abuse of a Minor. The defendant entered a guilty

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plea and was sentenced on April 5, 2004 to 87.6 months imprisonment followed by five years on supervised release. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Criminal Investigation.

UNITED STATES v. ARVIN MILLER

97 Months

Charge: Aggravated Sexual Abuse of a Minor

The defendant, lived with his wife and five year old daughter on the San Carlos Indian Reservation. The victim was observed acting out sexually and disclosed that her father touched her vaginal area with his finger and digitally penetrated her. On August 19, 2003, the defendant entered a guilty plea whereby he admitted to committing digital penetration. On May 3, 2004 he was sentenced to 97 months in federal custody. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement.

UNITED STATES v. NONIE TOHEE

78 Months

Charge: Aggravated Sexual Abuse of a Minor

The victim lived with her mother and stepfather, the defendant. When she was 12, he came home drunk pulled her onto the bed, where he shoved aside her shorts and had penile vaginal sex with her. He admitted that he was drunk, came home and took her to the bedroom and had sexual intercourse with her. There also were allegations that years earlier he had molested a niece. The defendant, who was charged with one count of abusive sexual Contact and three counts of Aggravated Sexual Abuse of a Minor, pled to one count of Aggravated Sexual Abuse of a Minor on July 1, 2003. On December 17, 2003, he was sentenced to 78 months imprisonment followed by five years on supervised release. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Criminal Investigation.

UNITED STATES v. DERRICK WOODIE

24 Months

Charge: Sexual Abuse (1 Count); Sexual Abuse of a Minor (One Count)

Police were called by neighbors who said a woman might be being raped in a red truck. When police arrived, the 15 year old victim was in the back seat with her pants undone and she appeared to be passed out. She remembers only going to a party, drinking and passing out. The defendant was in the front seat, and when questioned, he indicated they had been drinking and doing methamphetamine. He knew she was intoxicated and high and fondled her breast and had sex with her while she was unable to consent. On July 7, 2003 he pled to one count of Sexual Abuse of a Minor. On September 29, 2003 he was sentenced to 24 months in custody followed by three years on supervised release. The investigation was conducted by the Navajo Department of Public Safety and the Federal Bureau of Investigation.

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UNITED STATES v. EVERETT LEE

108 Months

Charge: Aggravated Sexual Abuse of a Minor

The defendant broke into the family home while the victim's parents were out of town on the Navajo Indian Reservation. A friend was watching the victim and the house and found the defendant in the house when they came home. While the friend was in a bedroom, the defendant took the four year old victim into another bedroom. The victim's brother saw this and told the friend, who tried to open the bedroom door. The defendant held it shut, but eventually let her in. The victim was lying on the bed with a pillow over her face and body; her underpants were on backwards and she was wearing a different pair of shorts than she was wearing when he took her into the bedroom. The defendant confessed to fondling her, and was convicted at trial on December 12, 2003. On April 21, 2004 he was sentenced to 108 months in federal custody. Upon his release, he will be placed on supervised release for the remainder of his life. The investigation was handled by the Federal Bureau of Investigation and the Navajo Department of Criminal Investigations.

UNITED STATES v. JOHNSON BENALLY

21 Months

Charge: Sexual Abuse of a Minor

Defendant had sexual intercourse with his girlfriend's twelve year old daughter on the Navajo reservation, but claimed it was consensual. The mother, to whom the victim disclosed, passed away before the allegations came to the attention of the authorities. On October 30 the defendant entered a guilty plea. On May 15, 2004 he was sentenced to 21 months in custody followed by three years on supervised release. The investigation was handled by the Federal Bureau of Investigations and the Navajo Department of Criminal Investigation.

UNITED STATES v. KEVIN BLACKGOAT

24 Months

Charge: Sexual Abuse of a Minor

The defendant is cousin to the fifteen year old victim, who was found by her mother in the bathroom with the defendant. The victim indicated the defendant had been having sexual intercourse with her; he admitted to having consensual sex with her. He was charged with six counts of Sexual Abuse of a Minor and three counts of Abusive Sexual Contact. He entered a guilty plea and was sentenced on November 3, 2003 to 24 months in federal custody followed by three years on supervised release. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Criminal Investigation.

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UNITED STATES v. GARY NEWMAN

5 years probation

Charge: Abusive Sexual Contact

Gary Newman pled guilty to abusive sexual contact. The female victim was under 12. The act involved touching the victim's chest under her clothing. The defendant admitted he engaged in the act with the victim. The investigation was handled by the Federal Bureau of Investigations.

UNITED STATES v. TIMOTHY AVENO

120 months

Charge: Aggravated Sexual Abuse

On November 24, 2003, the defendant plead guilty to one count of aggravated sexual abuse. This charge stems from the sexual abuse of a female victim that occurred between January, 1987 and January, 1989. The victim was less than 12 years of age at the time that the abuse occurred and is now an adult. On June 21, 2004, the defendant was sentenced to 120 months prison with five years of supervised release to follow imprisonment. The agreement includes dismissal of another count in which the defendant sexually abused his four year-old step-granddaughter in April, 2002. The investigation was conducted by the Tohono O'odham Police Department and the Federal Bureau of Investigation.

UNITED STATES v. NATHANIAL FRANCISCO

Pending

Charge: Sexual Assault

On December 22, 2003, the defendant plead guilty to sexual assault. The charge stems from a violent sexual assault that occurred on February 23, 2002, in Sells, Arizona. The victim was about to enter her residence at night when the defendant used physical violence to force her to have sexual intercourse with him against her will. He restrained her by overpowering her and pinning her against the wall during the rape. Sentencing is set to occur on August 20, 2004. The investigation was conducted by the Tohono O'odham Police Department and the Federal Bureau of Investigation.

UNITED STATES v. JASON SAN DIEGO

21 Months

Charge: Sexual Abuse of a Minor

The defendant pled guilty to sexual abuse of a minor. The female victim was under 16. The act involved touching the victim's chest under her clothing. The defendant admitted he engaged in the act with the victim. The defendant was sentenced to 21 months imprisonment. The investigation was handled by the Federal Bureau of Investigations.

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UNITED STATES v. CORRINA SHORT

33 Months

Charge: Assault Resulting in Serious Bodily Injury

The defendant pled guilty to assault resulting in serious bodily injury. The defendant stabbed the victim with a knife. The assault occurred on the Colorado River Indian Reservation (CRIT). The defendant was sentenced to 33 months imprisonment. The investigation was handled by the Bureau of Indian Affairs Office of Law Enforcement.

SUPERVISED RELEASE VIOLATIONS

UNITED STATES v. GARY MIGUEL

10 months

Charge: Supervised Release Violation/Aggravated Sexual Abuse

On September 21, 1998, defendant Gary Miguel was sentenced to serve 97 months imprisonment for Aggravated Sexual Abuse, based on his rape of a 12 year-old female child. His incarceration was to be followed by 60 months of supervised release, with strict sex offender conditions. The investigation was conducted by the Federal Bureau of Investigation, Tucson Office, and the Tohono O'odham Police Department. On June 17, 2004, Miguel's supervised release was revoked, and he was sentenced to serve an additional ten months incarceration. The term will be followed by an additional 48 months of supervised release, including up to one year in a halfway house. Sex offender conditions of supervised release continue to apply.

UNITED STATES v. MARVIN AGUILLA

6 months

Charge: Supervised Release Violation/Involuntary Manslaughter

On December 14, 1998, defendant Marvin Aguilla was sentenced to 16 months in custody, and 36 months supervised release, for Involuntary Manslaughter charges which arose from his causing a fatal car accident while driving intoxicated on New Year's Day of 1997. The investigation was conducted by the Federal Bureau of Investigation, Tucson Office, and the Tohono O'odham Police Department. On November 20, 2003, his supervised release was revoked for failure to abide by conditions, and Aguilla was sentenced to an additional six months in custody.

UNITED STATES v. RICARDO AARON BENAVIDEZ

6 months

Charge: Supervised Release Violation/Sexual Abuse of a Minor

On November 26, 2002, Ricardo Aaron Benavidez was sentenced to a period of time served, and 3 years of supervised release, for Sexual Abuse of a Minor. During January of

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2001, 18 year-old Benavidez had engaged in sexual intercourse with two different 14 year old girls on the Pascua Yaqui Indian Reservation. The investigation was conducted by the Pascua Yaqui Police Department. On July 8, 2003, due to his failure to abide by all of the conditions imposed, Benavidez' supervised release was revoked. Benavidez was sentenced to serve an additional six months in custody, to be followed by an additional 30 months of supervised release, which includes strict sex offender conditions.

UNITED STATES v. FRANCISCO JAVIER VALENZUELA *12 Months*
Charge: Misprision of a Felony (Revocation of Supervised Release)

The defendant was the father of Jennifer Miguel's two year-old son. He was not a custodial parent, but had contact with the victim and with the victim's mother during the time the victim was deprived of food and medical attention leading to his death. He was arrested and detained. On March 24, 1999, he was indicted for voluntary manslaughter involving the death of the two year-old child. On June 6, 2002, he plead guilty to Misprision of a Felony, for having knowledge of a felony, concealing and not making known to authorities the crime. On August 27, 2002, he was sentenced to time served, placed on supervised release for one year, ordered to reside at a halfway house for one year, have no contact with children under six years of age, abstain from use of alcohol, participate in mental health program and parenting program. He was also ordered to make restitution for the victim's burial expenses to the Pascua Yaqui Tribe of \$1,148.00. Defendant was later ordered to participate in sex offender risk assessment. On July 10, 2003, Valenzuela absconded from the halfway house, and a warrant was issued for his arrest. The defendant appeared in court on October 15, 2003, and on November 19, 2003, defendant's probation was revoked. He was committed to federal custody for 12 months with credit for time served.

UNITED STATES v. NATHAN ETSITTY *24 Months*
Current Charge: Violation of Terms of Supervised Release
Original Charge: Assault Resulting in Serious Bodily Injury

The defendant was convicted in February 2001, of assault resulting in serious bodily injury and was originally sentenced to 27 months in prison. The conviction arose after the defendant recklessly caused a multiple car accident. As a result of the accident, a passenger of another vehicle suffered a serious head injury which placed him into a potentially irreversible coma. The defendant's blood ethyl alcohol level was determined to be 0.284 % w/v soon after the accident. In March 2004, the defendant was sentenced to an additional 24 months in prison for failing to abide by the terms of his supervised release. This case was investigated by Navajo Department of Public Safety and the Federal Probation Office.

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UNITED STATES v. LEANDER KAY JONES

13 Months

Current Charge: Violation of Terms of Supervised Release
Original Charge: Involuntary Vehicular Manslaughter

The defendant was convicted in March 2003, of involuntary vehicular manslaughter and was originally sentenced to ten months in prison. The conviction arose after the defendant killed a teenaged passenger while driving drunk. Within 24 hours of the accident, the defendant's blood was drawn for analysis. The defendant's blood was determined to contain 0.303% w/v ethyl alcohol and a metabolite of THC. In April 2004, the defendant was sentenced to an additional 13 months in prison for failing to abide by the terms of his supervised release. This case was handled by the Bureau of Indian Affairs Office of Law Enforcement, San Carlos Apache Tribal Police Department and Arizona Department of Public Safety.

UNITED STATES v. FLOYD BEGAY

9 Months

Current Charge: Violation of Terms of Supervised Release
Original Charge: Involuntary Vehicular Manslaughter

The defendant was convicted in October 2000 of involuntary vehicular manslaughter and was originally sentenced to 10 months in prison. The conviction arose after the defendant killed a passenger while driving drunk. The passenger was the defendant's cousin. Within 24 hours of the accident, the defendant's blood ethyl alcohol level was determined to contain 111 mg/dl. In January 2002, the defendant was sentenced to an additional six months in prison for failing to abide by the terms of his supervised release. In December 2003, the defendant was sentenced to an additional nine months in prison for failing again to abide by the terms of his supervised release. This case was handled by the Navajo Department of Public Safety and the Federal Probation Office.

UNITED STATES v. CAROL HINTON

6 Months

Current Charge: Violation of Terms of Supervised Release
Original Charge: Involuntary Vehicular Manslaughter

The defendant was convicted in October 1998 of involuntary vehicular manslaughter and was originally sentenced to 16 months in prison. The conviction arose after the defendant killed a teenaged passenger while driving drunk. During the 24 hours prior to the accident, the defendant drank at least six beers and smoked marijuana. In March 2002, the defendant was sentenced to an additional five months in prison for failing to abide by the terms of her supervised release. In November 2003, the defendant was sentenced to an additional six months in prison for failing again to abide by the terms of her supervised release. This case was handled by the Bureau of Indian Affairs Office of Law Enforcement, San Carlos Apache Tribal Police Department and Federal Probation Office.

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UNITED STATES v. LIONEL HARVEY

6 Months

Current Offense: Violation of Terms of Supervised Release
Original Charge: Assault Resulting in Serious Bodily Injury

The defendant was convicted in July 2001, of assault resulting in serious bodily injury and was originally sentenced to 30 months in prison. The conviction arose after the defendant and co-defendant brutally beat a teenaged boy in Window Rock, Arizona. The two defendants ultimately left the victim unconscious, bleeding and partially naked in the street while the temperature was less than 32 degrees Fahrenheit. In May 2004, the defendant was sentenced to an additional six months in prison for failing to abide by the terms of his supervised release. This case was handled by the Federal Bureau of Investigation, Navajo Department of Public Safety and Federal Probation Office.

UNITED STATES v. JONATHAN SALCIDO

15 Months

Charges: Aggravated Sexual Abuse (Revocation of Supervised Release)

On January 4, 1996, Tohono O'odham police received information that Jonathan Salcido had been molesting his girlfriend's four year-old daughter. The victim's mother related that sometime in early 1995, she observed a bruise which resembled a bite mark on the victim's left breast. Then again in the fall prior to Christmas, she entered the bedroom she shared with the defendant and the victim and found the defendant and her daughter sleeping next to each other with both their underwear down to their knees. The defendant denied any wrongdoing and left the household, only to return within a few days. The victim's aunt was interviewed and stated that the victim advised her that the defendant had been rubbing her all over, motioning to both her back and front area. The aunt further stated that approximately three weeks prior to this disclosure, she witnessed the defendant standing next to the sleeping victim, pulling up her pajamas. The defendant initially denied touching the victim. After further questioning, he admitted to touching the victim several times and telling the victim on one occasion not to tell. He pleaded guilty to Aggravated Sexual Abuse and was sentenced to 60 months imprisonment, to be followed by 36 months supervised release. On June 2, 2002, Defendant's supervised release was revoked and he was sentenced to nine month imprisonment and 27 month supervised release. On December 2, 2003, a petition was filed to revoke the term of supervised release. On March 5, 2004, the defendant's supervised release was revoked and Salcido was sentenced to a term of 15 months in federal custody.

UNITED STATES v. THONYSON THOMPSON GARCIA

15 Months

Charges: Sexual Abuse of a Minor (Revocation of Supervised Release)

On October 7, 1998, the Tohono O'odham Police Department received information regarding a 14 year-old female reporting to her school resource officer she was sexually

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assaulted by Thonyson Garcia, in Hickiwan Village. The victim went to a dance in North Hickiwan Village where she remained until approximately 3:00 a.m., then went to a friend's house and fell asleep outside on a bed. She later awoke at the house alone and still intoxicated. Garcia arrived at the house and offered to take her back to the dance. On the way to the dance, they passed his house. When they passed Garcia's house, he tackled the victim from the back, then grabbed her by shoulders and pushed her into the wall. The victim's head hit the wall and she blacked out and woke up in Garcia's room. When she gained consciousness, she was laying under the blankets naked. She attempted to get up, but Garcia punched her face, knocking her down. Garcia then sexually assaulted her. Garcia told agents that the contact was consensual and that he thought the victim was 18. The defendant was convicted of sexual abuse of a minor. He was sentenced to 36 months imprisonment and a three year term of supervised release. On April 18, 2002, a petition to revoke Garcia's probation was filed. On June 24, 2002, it was ordered that his supervised release be revoked and the defendant was committed to a term of nine months in the federal custody, and an additional term of 24 months supervised release was imposed following his prison term. On July 25, 2003, a petition to revoke defendant's supervised release was filed. On December 2, 2003, it was ordered that defendant's supervised release be revoked and the defendant was sentenced to a term of 15 months in federal custody.

BURGLARY, THEFT &, ROBBERY

UNITED STATES v. JONATHAN JOSEPH ORANTEZ

2 Years Probation

Charge: Theft from a Tribal Gaming Establishment

Orantez was employed as a blackjack dealer by Casino Del Sol on the Pascua Yaqui Reservation. During April and May, 2003, he stole \$1,400 in cheques from a blackjack table at the casino. He pled guilty to a charge of theft from a Tribal Gaming Establishment (misdemeanor). On December 4, 2003, Orantez was sentenced to two years probation and was ordered to pay restitution of \$1,400 to the casino and a special assessment of \$25. The investigation was conducted by the Pascua Yaqui Tribal Police Department.

UNITED STATES v. MICHAEL BAHA

18 Months

Charge: Residential Burglary

On or about July 14, 2003, the defendant, a member of the White Mountain Apache Tribe, was in the area known as the Jurassic Park housing area, on the Fort Apache Indian Reservation. The housing area was under an evacuation order due to the "Kinishba" fire. As a result, most of the residents had relocated to areas of safety. The defendant remained despite the evacuation order. The defendant entered the residential structure known as

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Jurassic Park House #17 with the intent to take property. Baha removed property including a video camera, several rifles, necklaces, and rings of Andrew LaCapa, also a member of the White Mountain Apache tribe. On October 31, 2003, Baha entered a plea of guilty to one count of Residential Burglary. On January 20, 2004, he was sentenced to 18 months in a federal prison, ordered to pay \$891 in restitution and will be placed on 3 years of supervised release upon his release from prison. While on supervised release he will be monitored by the U.S. Adult Probation Office. The investigation in this case was conducted by the White Mountain Apache Tribal Police Department and the Fort Apache Agency of the Bureau of Indian Affairs Office of Law Enforcement.

UNITED STATES v. GENEVIEVE OVERSTREET

Pending

Charge: Burglary

This defendant and her co-defendant girlfriend became upset with the co-defendant's former girlfriend. The three began to fight and the defendant and co-defendant assaulted and bound the victim. They then stole her vehicle. On April 9, 2004, the defendant pled guilty to Burglary and is pending sentencing. The investigation was handled by the Gila River Indian Community Police Department.

UNITED STATES v. FERNANDO PARRA

Pending

Charge: Armed Robbery

This defendant and co-defendant robbed money and a vehicle from a person they knew through drug dealings. The robbery was at gunpoint. The defendants alleged the robbery was for drug money owed. On June 4, 2004, the defendant pled guilty to Armed Robbery and sentencing is pending. This investigation was handled by the Federal Bureau of Investigation and the Gila River Indian Community Department.

UNITED STATES v. JAMES SILVERSMITH

21 Months

Charge: Arson of an Automobile

In mid May, 2003, Silversmith stole a pickup truck from the Scottsdale area and returned to the Salt River Community. On May 20, 2003, Silversmith stole a Suburban from the Mesa area. No longer having use for the pickup truck, Silversmith burned the truck in an isolated area on the Salt River Community. Salt River Police Officers investigated the fire and saw Silversmith driving from the area in the stolen Suburban. The officers, in clearly marked units, attempted to stop Silversmith with lights and siren, to no avail. Silversmith was only apprehended after about an hour long, high speed chase through the Salt River Community. Silversmith admitted his involvement in the arson to Salt River Detectives. He pled guilty to Arson and was sentenced to 21 months in federal custody.

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followed by five years on Supervised Release. The investigation was conducted by the Salt River Pima-Maricopa Indian Community Police Department.

UNITED STATES v. NANCI MARIE JUAN

3 Years Probation

Charge: Theft from Indian Gaming Establishment

This defendant was charged with Theft from Indian Gaming Establishment for repeatedly stealing money from the Gila River Indian Casino during her employment as a casino manager. On January 5, 2004, the defendant pled guilty to the charge. She was sentenced on May 3, 2004 to three years probation. The investigation was handled by the Gila River Indian Community Police Department.

UNITED STATES v. LEO BEGAY

60 Months

Charge: Embezzlement

From November 20, 2001 through January 31, 2002, Leo Begay stole \$21,900 from the Tuba City Chapter Western Navajo Nation Fair Board where he was employed as the President of the To'Nanees'Dizi' Chapter. On February 20, 2004, a criminal complaint was filed in Flagstaff, Arizona, in the United States Magistrate Court, charging Leo Begay with embezzlement and theft from a Tribal Organization. Begay pled guilty on March 22, 2004, to the charge. Begay awaits sentencing on June 29, 2004.

UNITED STATES v. JONI KYITAN

24 Months

Charge: Burglary

This defendant and co-defendant friend entered the home of an old woman on the Gila River Indian Reservation. The defendants were intoxicated and broke into the home to obtain keys to the woman's truck. The two assaulted the woman and eventually took her vehicle. On February 27, 2004, the defendant pled guilty to Burglary. On May 24, 2004 the defendant was sentenced to 24 months in prison. The investigation was handled by the Gila River Indian Community Police Department.

UNITED STATES v. VINCENT MANUEL

120 Months

Charge: Robbery

This defendant was charged with Robbery, involving an assault of his sister and theft of her truck. On May 5, 2003, the defendant pled guilty to Robbery. On February 2, 2004 he was sentenced to 120 months in prison due to his extensive criminal history. The investigation was handled by the Federal Bureau of Investigations and the Gila River Indian Community Police Department.

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UNITED STATES v. MICHAEL DAVIS

30 Months

Charge: Burglary

This defendant and co-defendant entered the home of an old woman on the Gila River Indian Reservation. The defendants were intoxicated and broke into the home to obtain keys to the woman's truck. The two assaulted the woman and eventually took her vehicle. On March 16, 2004 the defendant pled guilty to Burglary. He was sentenced on May 21, 2004 and received a term of 30 months in prison. The investigation was handled by the Gila River Indian Community Police Department.

UNITED STATES v. TAMMY CALDERON

Pending

Charge: Burglary

This defendant and her girlfriend became upset with the defendant's former girlfriend. The three began to fight and the defendant and co-defendant assaulted and bound the victim. They then stole her vehicle. On April 28, 2004, the defendant pled guilty to Burglary and is pending sentencing on August 16, 2004. The investigation was handled by the Gila River Police Department.

MISCELLANEOUS

UNITED STATES v. NICKOLAS GREER

3 Years Probation

Charge: Theft of Tribal Property

On October 3, 2003, the defendant pled guilty to Theft of Tribal Property, a Class A misdemeanor. The defendant was charged with violating the Archaeological Resource Protection Act (ARPA). During the Fall of 2001, he accessed a known archeological site on the Navajo Reservation by traveling to a remote canyon on his Polarus 4X4 ATV. He then dug and partially excavated the archaeological site, namely a midden containing pottery and at least one human burial which is associated with a cliff dwelling, both of which date to no later than AD 1150 to AD 1250-75. Greer removed several items from the site, including a whole pottery vessel, a broken pottery vessel and a mano. At sentencing, an archaeologist with the Navajo Nation Historic Preservation Office, addressed the Court and explained that a lot of people disturb archeological sites on the Navajo Nation for a variety of reasons, both for commercial looting and as a hobby. On February 24, 2003, the defendant was sentenced to three years probation, including 180 days of home confinement and ordered to pay restitution to the Navajo Nation in the amount of \$8,592.15. In addition, the defendant's Polarus 4X4 ATV was forfeited. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement and the Navajo Nation Department of Law Enforcement.

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UNITED STATES v. LEONARD GREGG

10 Years

Charge: Setting Timber Afire (2 Counts)

In the morning hours of June 18, 2002, a wild lands fire was reported south of the Germantown area in Cibecue, Arizona, within the confines of the Ft. Apache Indian Reservation. This fire was suppressed by the tribal fire department and was approximately one acre in size. U.S. Forest Service investigators determined that the “Pina” Fire was intentionally human caused. A shoe print was also located at the scene. In the afternoon hours on June 18, 2002, a wild land fire was discovered less than two miles northeast of the Cibecue Community, within the confines of the Ft. Apache Indian Reservation. This fire was labeled as the “Rodeo Fire”. Fire crews from the BIA’s Branch of the Forestry responded to this site and made attempts at putting out the fire. With the severe drought conditions and the prevailing winds, the fire became unmanageable as well as a safety concern to fire personnel. The following morning, the fire developed to over 600 acres and when the winds increased later on in the morning, the fire quickly spread and became a serious threat to the communities surrounding the Show Low area. The “Rodeo” Fire was also determined to have been intentionally human caused. A shoe print was also found at the ignition point of the fire and was similar to the print found at the “Pina” Fire.

The defendant was interviewed on June 29, 2002, in reference to both the “Pina” and “Rodeo” fires and admitted setting both fires. He confirmed during the interview that he was wearing the recovered boots at the time he set both fires. Gregg indicated that he expected to make money from the fires due to his seasonal employment as a member of a Bureau of Indian Affairs fire crew. Gregg and the fire crew that he worked with were among the first to be called out to fight the “Rodeo” Fire. He admitted setting both fires by using stick matches to ignite the dry grass. He further admitted that he expected to work on the fire suppression team for about a day, but did not expect the fire to develop to the degree that it did. On October 20, 2003, the defendant entered a plea of guilty to two counts of Setting Timber Afire in violation of Title 18 United States Code, Section 1855. On March 8, 2004, he was sentenced to ten years in federal custody and ordered to pay restitution in the amount of \$27,882.502.00. Upon his release from prison, he will serve a period of 36 months of supervised release under the guidance of the U.S. Probation Office. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement, the Federal Bureau of Investigation, White Mountain Apache Police Department, United States Forest Service and Pinetop-Lakeside Police Department.

UNITED STATES v. BERGEN TYRONE COWAN

One Year

Charge: Trafficking in Cultural Patrimony; Theft of Tribal Property

On April 21, 2004, Bergen Tyrone Cowan, of Lakeside, Arizona, pled guilty to two counts of stealing and trafficking Native American cultural patrimony and one count of theft

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of tribal property. On or between October 1, 2003 and November 5, 2003, the defendant stole nine Gaan ceremonial headdresses and six Gaan ceremonial prayer wands from the Fort Apache Indian Reservation. On November 5, 2003, the defendant sold the ceremonial items to an undercover agent for \$6,000. These ceremonial headdresses and prayer wands were used during sacred and traditional ceremonies. After the ceremonies were completed, the items were decommissioned and placed in a sacred burial site. They are items of cultural patrimony with ongoing historical, traditional and cultural importance central to the White Mountain Apache people. On June 28, 2004 the defendant received a sentence of one year and one day in federal custody. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. JOSEPH NORRIS

60 Months

Charge: Possession with Intent to Distribute Marijuana

The defendant was stopped for speeding by a Tohono O'odham Reservation police officer after a 15-mile high speed chase, driving a car which was not registered to him and containing 325 pounds of marijuana in the back seat and trunk. He admitted that he was about to deliver the marijuana to unknown persons. The defendant entered a guilty plea to the charge of possession with intent to distribute marijuana. He was sentenced to 60 months in prison to be followed by 48 months of supervised release.

UNITED STATES v. CEDRIC SHAWN DAVISON

41 Months

Charge: Felon in Possession of a Firearm

Davison was under investigation as a suspect in an unrelated shooting at a local residence. He became aware that law enforcement officers were looking for him and voluntarily met with them. He ultimately lead the officers to a near-by residence, where a juvenile boy was holding a Keltec, Model P-11, 9mm semi-automatic pistol in a shoe box for Davison. With Davison's assistance, the boy turned the gun over to the officers. Davison was cleared as a suspect in the shooting but was charged with felon in possession of a firearm. Davison has a prior felony conviction for voluntary manslaughter. Davison was sentenced to 41 months in prison and ordered to undergo six months of residential substance abuse and anger management counseling while on supervised release for the offense of felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The investigation was conducted by the Federal Bureau of Investigation and Navajo Department of Law Enforcement with assistance from the ATF.

CRIMINAL DIVISION

UNITED STATES v. RODERICK RUDY FRENCH

23 Months

Charge: Possession of an Unregistered Short-Barreled Shotgun

In December 2003, French was sentenced to 23 months in prison and ordered to perform 250 hours of community service for unlawful possession of a short-barreled shotgun. On April 26, 2002, French, who is also known as “Jives” and “Monster,” possessed the firearm outside of a residence in Sacaton, Arizona. At that time, French was attempting to locate a young woman. French became upset after several women told him they did not know where she was and he should leave. French then cocked the sawed-off shotgun, pointed it at the women and yelled obscenities at them. Later that same day at a nearby residence, French met an adult male who was standing in his front yard. French yelled at the man. The man told French to get away from his family. French then pointed the same gun at the man, cocked it and stated “You wanna get shot?” French ultimately left the area and hid the weapon in an alley. French admitted he had been drinking prior to this conduct and acknowledged that the weapon had previously been reported stolen in Casa Grande, Arizona. French’s federal sentence was reduced to 23 months after he was given credit for time served in Tribal custody for the same conduct. The case was investigated by the Federal Bureau of Investigation and the Gila River Indian Community Tribal Police Department.

UNITED STATES v. TRAVIS KISTO

Pending

Charge: Unlawful Possession of Unregistered Weapon

On the night of May 23, 2003, Travis Kisto was riding around in a car on the Gila River Indian Reservation with several females. He had a sawed-off shotgun with him. After going out to the desert and firing the shotgun, Kisto and the females went to a friend’s house, where a fight ensued. Gila River Police responded to a disturbance call and found the shotgun. Kisto pled guilty to unlawful possession of an unregistered weapon and is pending sentencing. The investigation was conducted by the Federal Bureau of Investigation and the Gila River Indian Community Police Department.

UNITED STATES v. IRVING JOHNS

Pending

Charge: Felon in Possession of a Firearm

This defendant had previously been convicted of a felony. He was thereafter found in possession of a firearm. On June 22, 2004 the defendant entered a guilty plea and is currently pending sentencing. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

CRIMINAL DIVISION

UNITED STATES v. JEREMY JARVIS SALKEY

Pending

Charge: Felon in Possession of a Firearm

This defendant had previously been convicted of a felony and was found on the Gila River Indian Reservation in possession of a firearm. On June 23, 2004, the defendant entered a guilty plea to the charge and is pending sentencing. The investigation was handled by the Federal Bureau of Investigations and the Gila River Indian Community Police Department.

UNITED STATES v. DAN SOKE

Pending

Charge: Armed Robbery

This defendant and co-defendant friend robbed money and a vehicle from a person they knew through drug dealings. The robbery was at gunpoint. The defendants alleged the robbery was for drug money owed. On March 9, 2003, the defendant pled guilty to Armed Robbery and is pending sentencing.

UNITED STATES v. JEREMY LEE THOMPSON

36 Months

Charge: Misprison of Felony

This defendant assisted a group of three men who murdered a man on the Gila River Indian Reservation. His assistance included concealment of evidence, including the guns and bullet proof vests. On September 5, 2003, the defendant pled guilty to Misprison of Felony. On May 25, 2004 he was sentenced to 36 months in prison. The case was handled by the Federal Bureau of Investigations and the Gila River Indian Community Police Department.

UNITED STATES v. WAYLON PETE THOMPSON

46 Months

Charge: Felon in Possession of a Firearm

This defendant was found on the Hopi Indian Reservation with a firearm. He had previously been convicted of a felony. On March 9, 2004, the defendant pled guilty to Felon in Possession of a Firearm. He was sentenced on May 24, 2004 to 46 months in prison. The investigation was handled by the Bureau of Indian Affairs Office of Law Enforcement.